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10 *Attorneys for Plaintiff, The Bank of New York*

11 *Mellon fka The Bank of New York, as Trustee for the*

12 *Certificateholders of CWALT, Inc., Alternative Loan*

13 *Trust 2005-85CB, Mortgage Pass-Through*

14 *Certificates, Series 2005-85CB*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 THE BANK OF NEW YORK MELLON, fka  
18 THE BANK OF NEW YORK, AS  
19 TRUSTEE FOR THE  
20 CERTIFICATEHOLDERS OF CWALT,  
21 INC., ALTERNATIVE LOAN TRUST 2005-  
22 85CB, MORTGAGE PASS-THROUGH  
23 CERTIFICATES, SERIES 2005-85CB,

24 Plaintiff,

25 vs.

26 POSHBABY, LLC SERIES 1497 HIALEAH  
27 DR. # D; SUNDANCE HOMEOWNERS  
28 ASSOCIATION, INC.,

Defendants.

Case No.: 2:17-cv-01335-RFB-NJK

**STIPULATION AND ORDER TO  
DISMISS ACTION WITH PREJUDICE  
PURSUANT TO A SETTLEMENT  
AGREEMENT**

COMES NOW, Plaintiff, The Bank of New York Mellon fka The Bank of New York, as  
Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-85CB,  
Mortgage Pass-Through Certificates, Series 2005-85CB ("BONY"), by and through its attorneys  
of record WRIGHT, FINLAY & ZAK, LLP, Defendant, Sundance Homeowners Association,

1 Inc. ("HOA"), by and through its attorneys of record LIPSON, NEILSON, COLE SELTZER &  
2 GARIN, P.C., and Poshbaby, LLC Series 1497 Hialeah Dr. #D ("Poshbaby"), hereby stipulate to  
3 dismiss this action with prejudice pursuant to execution of a settlement agreement. BONY, HOA  
4 and Poshbaby agree to bear their own costs and fees; therefore

5 IT IS HEREBY STIPULATED that this action filed in the United States District Court,  
6 District of Nevada as Case Number 2:17-cv-01335-RFB-NJK is hereby dismissed with prejudice  
7 pursuant to a settlement agreement executed by and between BONY, HOA and Poshbaby; and

8 IT IS FURTHER STIPULATED that all parties shall bear their own costs and fees.

9 DATED this 17<sup>th</sup> day of January, 2018.

10  
11 WRIGHT FINLAY & ZAK, LLP

LIPSON, NEILSON, COLE, SELTZER &  
GARIN, P.C.

12  
13 /s/ Victoria L. Hightower

/s/ David T. Ochoa

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20 *for the Certificateholders of CWALT, Inc.,*  
21 *Alternative Loan Trust 2005-85CB,*  
22 *Mortgage Pass-Through Certificates, Series*  
23 *2005-85CB*

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24  
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26  
27 /s/ Luis A. Ayon

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*Attorneys for Defendant, Poshbaby LLC*  
*Series 1497 Hialeah Dr. # D*

**ORDER**

**IT IS SO ORDERED.**

DATED this 22nd day of January, 2018.



RICHARD F. BOULWARE, II  
United States District Judge

Submitted by:

WRIGHT FINLAY & ZAK, LLP

/s/ Victoria L. Hightower

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*Mellon fka The Bank of New York, as Trustee*

*for the Certificateholders of CWALT, Inc.,*

*Alternative Loan Trust 2005-85CB, Mortgage*

*Pass-Through Certificates, Series 2005-85CB*